

### **REMARKS/ARGUMENTS**

This response, and the associated request for continued examination, is submitted in reply to the final Office Action dated April 14, 2009. Claims 1-21 and 23 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to clarify the claimed invention. The amendments include the cancellation of claim 23, thereby rendering any rejections of claim 23 moot, and the addition of new claims 25-27. In view of the amendments and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### **A. Claims 1, 11, and 21 are Novel.**

Claims 1, 11, and 21 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2003/015039 to Roberts. However, Roberts fails to teach each and every feature of the claimed invention as arranged in the claims.

Independent claim 1, and similarly independent claims 11 and 21, recite the feature “the data packets including at least one flow parameter, wherein the at least one flow parameter includes a flow identifier, and wherein the flow parameters indicate an associated flow charging policy for the flow.” Support for a flow identifier can be found at least at paragraphs 46-47 of the published application. Roberts fails to teach or suggest this feature of the claimed invention, and, in particular, Roberts fails to teach or suggest the inclusion of a flow identifier as a flow parameter, where the flow parameters indicate a flow charging policy.

In contrast to the claimed invention, Roberts describes interaction at the packet level, rather than at the flow level. Roberts explains this distinction at paragraph 21, where it states:

[C]harging information is achieved via analysis of packets.... This is coordinated with the service being accessed via configuring rules based on the destination of the service as described by URL or IP address and port number of the server. Further discrimination can be applied via the protocol being used if required. Since this knowledge is provisioned into the system, the specific destination can be used to determine charging without recourse to other systems....

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Further, at paragraph 28, Roberts describes the operation of a packet analyzer within the system. In this regard, Roberts states that a real-time in-line packet analyzer manages the “usage based aspects of the tariff regime” and determines “the price of any particular packets.”

Based at least on these excerpts, it becomes clear that Roberts is handling charging on a packet-by-packet basis using a destination address. As such, Roberts does not disclose, and the system of Roberts would be incompatible with, the use of a flow identifier within the packets for identifying a flow, and facilitating implementation of a charging policy at the flow level.

Due to these insufficiencies of Roberts as an anticipatory reference, the rejections of claims 1, 11, and 21 are overcome. Claims 1, 11, and 21 are therefore patentable.

**B. Claims 2-10 and 12-20 are Nonobvious.**

Dependent claims 2-10 and 12-20 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of various combinations with U.S. Patent No. 7,002,977 to Jogalekar, U.S. Patent No. 7,185,073 to Gai, U.S. Patent No. 7,369,541 to Hundescheidt, U.S. Patent Application No. 2002/0013849 to Schweitzer, and U.S. Patent Application No. 2002/0122432 to Chaskar. However, the combination of Roberts with these other references fails for the same reasons as submitted above, because the other cited references do not cure the deficiencies of Roberts, and the other references are not cited for this purpose. Further, it would not be obvious to one of skill in the art to modify the combinations with Roberts to cure the deficiencies.

Accordingly, the rejections of claims 2-10 and 12-20 are overcome, and claims 2-10 and 12-20 are patentable.

**C. New Claims 25-27 are Patentable**

Applicants have added new claims 25-27 to clarify aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application at least at paragraph 46 of the published application. Claims 25-27 are dependant from respective claims 1, 11, and 21, and therefore are patentable for at least the same reasons as provided for claims 1, 11, and 21 above, as well as for including

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additional features not taught or suggested by the cited references, taken either individually or in proper combination.

Accordingly, it is believed that new claims 25-27 are in condition for allowance.

### **CONCLUSION**

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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